IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1418 of 2005

Kaustubh Deepak Khartadkar ..

Petitioner

Versus

University of Mumbai and Ors. .... Respondents.

Mr.Uday P.Warunjikar for the petitioner.
Mr.Rui Rodrigues with Mr. B.V. Phadnis for respondent No.1.
Mr. P.G. Sawant, Assistant Government Pleader, for respondent No.2.
Mr. K.K. Jadhav for respondent Nos. 3 to 5.

CORAM: **DALVEER BHANDARI, C.J.** & **S.J. VAZIFDAR, J.**

DATE: **AUGUST 09, 2005**.

P.C.

The petitioner is a student of Bachelor of Engineering (Mechanical) course, studying in K.J. Somaiya College of Engineering. He was not permitted to appear for the second semester examination of the first year on the ground that his attendance in the second semester was not 75 per cent. The petitioner has made representation to respondent Nos. 3 to 5 to condone the shortfall between 75 per cent and the petitioner's actual attendance which is about 56 per cent, in view of the provisions framed by the University of Mumbai. It is

mentioned in the petition that the petitioner did not hear anything from respondent Nos. 3 to 5 in response to his application for condonation of the said shortfall and the petitioner has compelled to file this petition before this Court.

2. The petition came up before the learned Vacation Judge of this Court on 23rd May, 2005. The learned Vacation Judge permitted the petitioner to appear for the second semester of First Year B.E. (Mechanical) Examination to be held in May/June, 2005. The Court directed that the result of the examination qua the petitioner would be declared only if the petitioner's application for condonation is allowed and the shortfall in attendance is condoned in accordance with the ordinance framed by the first Respondent. The Court requested the University to decide the petitioner's representation on its own merits expeditiously and without being influenced by the observations made in the order dated 24th May, 2005.

3. The learned counsel for the petitioner submits that he has not filed any formal representation to first respondent. To avoid any delay, we direct the first Respondent to consider the entire writ petition of the petitioner as his representation and decide the same in accordance

with law as expeditiously as possible, preferably within two weeks from today. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.